

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:18MJ02257
)	
Plaintiff,)	MAGISTRATE JUDGE RUIZ
)	
v.)	
)	<u>GOVERNMENT'S MOTION TO</u>
THOMAS CLOSE,)	<u>EXTEND TIME FOR RETURNING</u>
)	<u>INDICTMENT</u>
Defendant.)	

The United States of America, by and through its counsel, Justin E. Herdman, United States Attorney, and Carol M. Skutnik, Assistant U.S. Attorney, respectfully moves this Court to extend the time for filing an indictment until January 4, 2019, for the reasons set forth in the attached Memorandum.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ Carol M. Skutnik
Carol M. Skutnik (OH: 0059704)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3785
(216) 522-8355 (facsimile)
Carol.Skutnik@usdoj.gov

MEMORANDUM

A.

On November 1, 2018, a criminal complaint (Case No. 1:18MJ2257) was filed against defendant, Thomas Close, charging the defendant with violations of federal law. The defendant appeared before United States Magistrate Judge David A. Ruiz on the same date, after having been arrested pursuant to the complaint. At the time of the initial appearance, the defendant was remanded to the custody of the U.S. Marshal's Service. Close waived his right to both a preliminary and detention hearing and the matter was bound over to the grand jury.

B.

Title 18, Section 3161 of the United States Code provides that an "information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges." 18 U.S.C. § 3161(b). In the instant prosecution, the 30-day period would appear to expire on or about December 1, 2018.

The government submits that a limited extension of the time for filing an information or indictment will serve the ends of justice by affording the Government an opportunity to review evidence seized from Close's computers and evaluate and identify potential victims. The extension would also benefit Close by providing him a meaningful opportunity to meet with his counsel to discuss the pending investigation and explore potential strategies and resolutions. It is anticipated that the parties will use the proposed extension of time to ascertain all of the relevant facts, which if accomplished, will serve the interests of justice by potentially rendering grand jury presentation and/or a trial more complete or unnecessary. See United States v. Fields, 39 F.3d 439, 445-46 (3d Cir. 1994) (approving "ends of justice" continuance to allow negotiations

to continue). See also United States v. Lewis, 980 F.2d 555 (9th Cir. 1992). If grand jury presentment proves necessary, the proposed extension of time will serve the ends of justice and promote efficiency by allowing the grand jury panel to consider a full panoply of potential charges.

Undersigned government counsel has spoken with Jeffrey B. Lazarus, counsel for defendant, concerning this matter, and is advised that the defense joins in the proposed continuance. The defendant and Attorney Jeffrey B. Lazarus will execute a Speedy Trial waiver in the Court's presence.

For all of the foregoing reasons, the government, pursuant to 18 U.S.C. § 3161(h)(7)(A), respectfully moves this Court to extend the time for filing an information or indictment from on or about December 1, 2018 , to January 4, 2019, and to enter a finding under that section that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ Carol M. Skutnik
Carol M. Skutnik (OH: 0059704)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3785
Carol.Skutnik@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2018, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Carol M. Skutnik

Carol M. Skutnik

Assistant U.S. Attorney